

Why the Supreme Court gave bail to AAP's Sanjay Singh

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AAM AADMI Party (AAP) leader and Rajya Sabha MP Sanjay Singh was granted bail on Tuesday by the Supreme Court after the Enforcement Directorate (ED) made a "concession" in the "peculiar matter" and did not argue its case on merits.

Singh's bail case was heard by a Bench comprising Justices Sanjay Khanna, Dipankar Datta and P B Varale. Congress leader and Senior Advocate Abhishek Manu Singhvi argued on behalf of the AAP leader, saying there was no case made out against his client. Singhvi's arguments sought to drive home the point that the ED did not pass the "necessity" test in arresting Singh. He was taken

into custody in October 2023 on money-laundering charges related to the alleged Delhi excise scam.

What are the charges against Singh?

In its application seeking Singh's custody, the ED had labelled Singh a "key conspirator". Although he is not accused in the excise scam case itself, which is being pursued by the Central Bureau of Investigation (CBI), the ED accused Singh of laundering "proceeds of crime" from the alleged scam. Simply put, like Delhi Chief Minister Arvind Kejriwal, Singh is not accused of corruption, but only of money laundering.

Section 3 of the Prevention of Money Laundering Act (PMLA) makes concealment of tainted funds also an offence.

In its remand application, the ED had said: "Sanjay Singh has exploited and gained



Singh after filing his nomination for Rajya Sabha elections in January. File

illegally money/kickbacks, which is 'proceeds of crime' generated from the liquor policy (2021-22) scam... (He) has been part of the conspiracy of collecting kickbacks from liquor groups... (He) has a close relationship

with Dinesh Arora since 2017 as revealed by Dinesh Arora as well as call records." Dinesh Arora is a businessman whom the ED had earlier accused of being a "conduit for kickbacks" between the "South group" (a set of accused individuals from southern India) and the AAP. The ED had claimed that

Arora was arrested by the ED, but he became an approver in the ED case as well. As a result, the case against Singh virtually rests on the veracity of Arora's statements.

What is Singh's defence?

Singhvi pointed out to the court that Arora's statements that allegedly implicate Singh were made in his tenth statement while nine previous statements did not mention Singh. He also argued that in the five months since Singh had been arrested, the ED had not established any trail of evidence. For example, if Arora gave Rs 2 crore to Singh, those "proceeds of crime" must be recovered by the ED. Other aspects of Arora's statements must also be corroborated by other witnesses, Singhvi said.

The ED also alleged that Singh received proceeds of crime worth Rs 2 crore from the other co-accused, Sameer Mahendru and Abhishek Boinpally, through approver Arora. Singhvi argued that Mahendru had stated that he did not give any bribes.

Why did the ED not oppose Singh's bail?

While Singhvi was arguing, Justice Khanna observed that the ED would have to respond to why the agency had not attached any property. An attachment would show the existence of the tainted funds.

However, the ED sought to make a "concession" and not oppose Singh's bail. An argument on merits would have meant that the court would have had an opportunity to consider whether the ED can prima facie make a case against an accused without establishing any money trail.

EXPLAINED GLOBAL

WHY ERDOGAN SUFFERED A SETBACK IN TURKEY POLLS, WHY IT MATTERS

ALIND CHAUHAN
NEW DELHI, APRIL 2

RECEP TAYYIP Erdogan's Justice and Development Party (*Adalet ve Kalkinma Partisi* or AK Party) has suffered decisive defeats in local polls across Turkey, the biggest electoral blow for the President since he came to power two decades ago.

The main opposition Republican People's Party (CHP) won municipalities in 36 of Turkey's 81 provinces, and registered mayoral victories in the country's five largest cities — Istanbul, Ankara, Izmir, Bursa, and Antalya.

The elections were seen as a *de facto* referendum on Erdogan — who won the national election less than a year ago — and his party.

The election results

On Sunday, Turkish voters went to the polls to elect thousands of local administrators, including district municipal mayors and municipal councillors. Results showed that while the CHP gained 37% of votes nationwide, the AK Party's vote share fell to 36% from 44% in 2019.

While this was the first time that the AK Party lost the popular vote, the biggest blow for Erdogan and his party came in the loss of Istanbul, a city of nearly 16 million people which accounts for 30% of Turkey's GDP. The President grew up in Istanbul and was elected mayor of the city in 1994 — and had expected that his candidate, Murat Kurum, would defeat the incumbent Ekrem Imamoglu.

In 2019, Imamoglu ended years of AK Party rule in Istanbul with the support of other opposition parties. After the opposition unity fell apart in 2023 in the aftermath of Erdogan's victory in the presidential election, the President saw an opportunity. However, Imamoglu finished 10 percentage points ahead of Kurum, the highest margin of victory for an Istanbul mayor in 40 years.

The AK Party was also defeated in Ankara, the capital. Incumbent CHP Mayor Mansur Yavas received 60.4% of the vote, against the AKP candidate's 32%.

The CHP now controls broad swathes of the west, south, and north of Turkey. The AK Party continues to be powerful in central and south-east Turkey.

Reason for AKP defeat

The biggest factor behind the defeat



Erdogan and his wife at a polling station in Istanbul on Sunday. Reuters

for Erdogan's party is the state of Turkey's economy, according to analysts. The country has been witnessing high levels of inflation for years now. While official figures estimate that inflation hit nearly 70% in February, unofficial numbers suggest the figure is closer to 100%, according to a report in *Foreign Policy*.

Skyrocketing inflation has severely affected the lives of most Turks as they suffer a painful cost of living crisis. It has also led to a massive devaluation of the lira, Turkey's national currency.

Ali Faik Demir, a political scientist at Galatasaray University, told the news agency AFP: "When Turkish people vote, the situation in the kitchen or on their plate changes the voting trend." The biggest voting changes happen when we cannot afford living, when we cannot eat," he said.

Why the results matter

The results will likely boost the morale of the opposition, which was left in disarray and deeply divided after the defeat against Erdogan and his party in the 2023 presidential and parliamentary elections. The thumping victory of Imamoglu has cemented his position as the main political opponent of Erdogan. International commentators have said that Imamoglu's stature, popularity, and ambitions could make him a serious contestant in future presidential contests.

Erdogan had announced that the 2023 elections would be his last. However, many observers had expected him to bring a new constitution that would allow him to rule beyond 2028 when his current term ends. The defeats have cast a shadow on those plans.

ARUN JANARDHANAN
CHENNAI, APRIL 2

WEEKS BEFORE voting for the Lok Sabha election in Tamil Nadu, the BJP has reignited the decades-old Katchatheevu issue, accusing the Indira Gandhi government of "callously giving away", as the Prime Minister said in a post on social media, the island to Sri Lanka.

Did India indeed "cede" Katchatheevu island to Sri Lanka in 1974? What happened two years later, in 1976, when India signed a second agreement with Sri Lanka? These questions ponder the import of decisions taken a half century ago, weighing the trading of territorial claims for maritime advantages and broad strategic interests off the coast of Kanyakumari.

But first, what is Katchatheevu island?

Katchatheevu is a 285-acre patch in the sea within the maritime boundary line of Sri Lanka, located 33 km off the Indian coast to the northeast of Rameswaram in Tamil Nadu, and southwest of Sri Lanka's Delft Island. The tiny, barren island which, according to some accounts, was created following a 14th-century volcanic eruption, is 1.6 km in length and just 300 metres wide at its widest point.

The island was under the control of the kingdom of the Ramanad Raja, a *zamindari* from 1795 to 1803 in Ramanathapuram in the Madras Presidency during British rule. The 120-year-old St Anthony's Church on the island attracts devotees from India and Sri Lanka for an annual festival.

What happened to the island in 1974?

India and Sri Lanka had been claiming Katchatheevu since at least 1921, after a survey placed the island within Sri Lanka's boundaries. This was contested by a British Indian delegation that cited the Ramanad kingdom's ownership of the island. The dispute could not be settled, and continued in the years after Independence.

In 1974, when India was Prime Minister, the two governments signed — on June 26 in Colombo and June 28 in New Delhi — an agreement by which the island went to Sri Lanka, but Indian fishermen were given "access to Katchatheevu for rest, for drying of nets and for the annual St Anthony's festival".

"Indian fishermen and pilgrims will enjoy access to visit Katchatheevu as his habit, and will not be required by Sri Lanka to obtain travel documents or visas for these purposes," the agreement said. The agreement did not specify the fishing rights of Indian fishermen.

According to information obtained by Tamil Nadu BJP Chief K Annamalai under the RTI Act, 2005, the DMK government in Tamil Nadu led by M Karunanidhi at the time silently acquiesced to the Centre's decision to sign the agreement. The RTI reply quoted from the minutes of a meeting between then External Affairs Minister Kewal Singh and Karunanidhi at Fort St. George in Chennai a



month before the transfer of the island. According to Annamalai, Karunanidhi was "party to this decision", and had only asked if it was possible to "postpone the decision by two years".

Tamil Nadu Assembly records, however, show that Chief Minister Karunanidhi had attempted to move a resolution in the House in 1974 against the Katchatheevu agreement, but the opposition AIADMK had refused to go along.

And what happened in 1976?

In June 1975, Indira Gandhi imposed the Emergency, and Karunanidhi's government was dismissed in January 1976. Thereafter, several letters were exchanged between the foreign secretaries of India and Sri Lanka, and a set of executive orders were issued on the Katchatheevu issue.

The negotiations and the orders essentially settled the maritime boundary between India and Sri Lanka by giving sovereign rights over a maritime patch called "Wadge Bank" near Kanyakumari to India. The Wadge Bank lies to the south of Katchatheevu, and has been identified by the Fishery Survey of India as a 4,000-sq-mile area bounded by 76° 30'E to 78° 00'E longitude and 7° 00'N to 8° 20'N latitude. It is one of the world's richest fishing grounds, and in a much more strategic part of the sea than the island of Katchatheevu.

This area near Kanyakumari has been significant for fishermen from Tamil Nadu and Kerala for more than four decades.

An agreement reached between the two countries in March 1976 said "the Wadge Bank...lies within the exclusive economic zone of India, and India shall have sovereign rights over the area and its resources" and "the fishing vessels of Sri Lanka and persons on board these vessels shall not engage in fishing in the Wadge Bank".

However, "at the request of the Government of Sri Lanka and as a gesture of goodwill", India agreed that Sri Lanka boats licensed by India could fish in the Wadge Bank for three years "from the date of establishment by India of its exclusive economic zone". But no more than six Sri Lanka fishing vessels were allowed, and their catch in the Wadge Bank could not exceed 2,000 tonnes in any year.

The agreement also said that if India "decided to explore the Wadge Bank for petro-

leum and other mineral resources" during the three-year period, the Sri Lanka boats "shall terminate fishing activity... in these zones with effect from the date of commencement of exploration".

What happened after the 1974 and 1976 agreements?

The focus in the 1970s was on settling competing claims over territorial boundaries, which led to agreements that gave Katchatheevu to Sri Lanka and the resource-rich Wadge Bank to India.

In the 1990s, the Palk Strait to the east of the Wadge Bank saw a proliferation of efficient bottom-trawl fishing trawlers on the Indian side. The Sri Lanka military was battling the Liberation Tigers of Tamil Eelam (LTTE) at the time, and its navy had no major presence in the sea region. Indian fishing boats would routinely enter Sri Lanka waters for fishing during this time.

In 1991, when J Jayalithaa was in her first term as Chief Minister, the Tamil Nadu Assembly sought the retrieval of Katchatheevu and restoration of traditional fishing rights for Indian Tamil fishermen. But the demand could not be followed up with Sri Lanka due to the civil war in that country.

The situation changed after the war ended in 2009. Even as Indian fishermen continued to enter Sri Lanka waters due to the depletion of marine resources on the Indian side, the Sri Lanka navy began to carry out arrests, and destroyed hundreds of fishing boats for violating the maritime boundary. This provoked a renewed wave of demands from political parties in Tamil Nadu, including the DMK and AIADMK, to retrieve Katchatheevu.

How did Sri Lanka react to the demands from the Indian Tamil parties?

The two countries have signed an international agreement on Katchatheevu, and Sri Lanka has refused to link the status of the island with the Tamil fishermen's issue.

A Sri Lanka Cabinet Minister told *The Indian Express* on Monday that linking the two issues would be "inappropriate and inaccurate because the issue with regards to Indian fishermen is all about the bottom-trawlers they use for fishing outside Indian waters, which is illegal as per international maritime laws".

"When this huge exploitation and depletion of maritime resources happen in the entire ocean region, the victims of these trawlers owned by Indian Tamil fishermen are not Muslims or Sinhala fishermen but the Sri Lankan Tamil fishermen," the Sri Lanka Minister said.

And how did the matter reach the Supreme Court?

In 2008, Jayalithaa filed a petition in the Supreme Court claiming Katchatheevu belonged to India, and could not be ceded to another country without a Constitutional amendment. She argued that the 1974 agreement affected the traditional fishing rights and livelihood options of Indian fishermen.

After becoming Chief Minister in 2011, Jayalithaa moved for a resolution in the state Assembly raising the same demand. In 2012, amid increasing incidents of arrests of Indian fishermen in Sri Lanka waters, she again moved the Supreme Court to expedite her petition.

In August 2014, then Attorney General M Velupillai told the Supreme Court that the matter was not closed, and it would require "war" to get the island back. "Katchatheevu was lost to Sri Lanka by an agreement in 1974. It was ceded and now acts as a boundary. How can it be taken back today? If you want Katchatheevu back, you will have to go to war to get it back," he said.

The petition remains pending in the Supreme Court.

Now that the issue has been raked up again, what happens hereafter?

The BJP leadership, including Prime Minister Modi, External Affairs Minister S Jaishankar, Finance Minister Nirmala Sitharaman, and state BJP Chief Annamalai, have launched attacks on the Congress and DMK for allegedly surrendering the island to Sri Lanka. The PM has said that "weakening India's unity, integrity and interests has been Congress' way of working for 75 years", and "DMK has done NOTHING to safeguard Tamil Nadu's interests".

However, election campaign rhetoric aside, the Indian government does not seem to have made any concrete move to examine the possibility of retrieving the island for India. Asked what steps had been taken in this regard, Jaishankar said on Monday that "the issue is still under review".

Jeevan Thondaman, a Tamil-origin Minister in Sri Lanka President Ranil Wickremesinghe's Cabinet, told *The Indian Express* that there has been no official communication from India on the Katchatheevu island issue.

"Narendra Modi's foreign policy with Sri Lanka is organic and healthy. So far, there has not been an official communication from India to return the powers of Katchatheevu island. No such request from India so far. If there is such a communication, the foreign ministry will reply to that," he said.

What is Kallakkada, which has flooded houses in Kerala's coastal areas?

SHAJU PHILIP
THIRUVANANTHAPURAM, APRIL 2

HUNDREDS OF houses have been flooded in several coastal areas of Kerala due to high sea waves, also known as swell waves, since Sunday. The worst affected regions include Alappuzha, Kollam, and Thiruvananthapuram districts. Authorities have opened relief camps for the affected local communities.

Such flooding events are called swell surge or *Kallakkada* in Malayalam. Here is a look at the phenomenon, why it happens, and how it is different from a tsunami.

What is Kallakkada?

Kallakkada is essentially coastal flood-

ing during the pre-monsoon (April-May) season by swell waves on the southwest coast of India, according to a paper, *Teleconnection between the North Indian Ocean high swell events and meteorological conditions over the Southern Indian Ocean*, which was published in the journal *AGU* in 2016. The study was authored by PG Remya, S Vishnu, B Praveen Kumar, T M Balakrishnan Nair, and B Rohith — all from the Indian National Centre for Ocean Information Services, Hyderabad.

The term *Kallakkada*, used by local fishermen, is a combination of two Malayalam words, including *Kallam* and *Kadal*. *Kallam* means thief and *Kadal* means sea. In spoken language, these words were combined and pronounced as *Kallakkada*, meaning ocean that arrives as a "thief," the study said.



Houses damaged due to a Kallakkada event in Kollam on Tuesday. ANI

In 2012, the term was formally approved by the United Nations Educational, Scientific and Cultural Organization (UNESCO).

What causes Kallakkada?

Kallakkada is caused by waves that are formed by an ocean swell, hence the name swell surge. Ocean swells occur not due to the local winds, but rather due to distant storms like hurricanes, or even long periods of fierce gale winds. During such storms, huge energy transfer takes place from the air into the water, leading to the formation of very high waves. Such waves can travel thousands of kilometres from the storm centre until they strike shore.

Usually, *Kallakkada* is a consequence of the strong winds in the southern part of the Indian Ocean, where an ocean swell is generated, and the waves then travel north to reach the coast in two or three days.

The latest instance took place after a low atmospheric pressure system moved over the

region around March 25 from the South Atlantic Ocean — 10,000 kilometres off the Indian coast. The arrival of the pressure system resulted in strong winds, which led to the formation of swell waves of up to 11 metres in height. These waves have been hitting the Kerala coast and Lakshadweep since Sunday.

Kallakkada occurs without precursor or any kind of local wind activity and as a result, it has been very difficult for the coastal population to get an advance warning. However, early warning systems like the Swell Surge Forecast System — launched by the Indian National Centre for Ocean Information Services (INCOIS) in 2020 — gives forecasting seven days in advance.

Why is Kallakkada different from tsunami?

Kallakkada came under the spotlight after the 2004 tsunami that killed more than 10,000 people. However, *Kallakkada* is often mistaken to be a tsunami, which is a series of enormous waves created by an underwater disturbance usually associated with earthquakes occurring below or near the ocean.

What is the forecast?

The swell surge is likely to continue impacting Kerala and other western coast regions of the country for the next two days before they gradually weaken.

INCOIS has stated high waves will move to the Tamil Nadu coast on Tuesday night. It has alerted people in coastal areas vulnerable to sea erosion to take precautionary steps and ensure the safety of fishing vessels.